

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

HESTAL LIPSCOMB,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 05-477 SLR
	)	
ELECTRONIC DATA SYSTEMS	)	
CORPORATION,	)	
a Delaware Corporation,	)	
	)	
Defendant.	)	JURY TRIAL DEMANDED

**AFFIDAVIT OF VICTORIA K. MILLER**

STATE OF DELAWARE	)	
	)	ss.
COUNTY OF NEW CASTLE	)	

VICTORIA K. MILLER, being duly sworn, states:

1. I am employed as a legal assistant/secretary by Smith, Katzenstein & Furlow LLP. I provide this affidavit in support of plaintiff's opposition to defendant's motion for summary judgment. The facts set forth in this affidavit are based on my personal knowledge.

2. Attached as Exhibit A is letter dated April 3, 2006 from Laurence V. Cronin addressed "To Whom It May Concern" that was faxed to 800-377-4286. The fax machines in our office do not imprint anything on the documents we send out by facsimile. Rather, once the document has been sent, we receive a fax confirmation sheet indicating whether the document has been successfully transmitted. As part of the fax confirmation sheet, a partial copy is made of the top sheet of the pages that were transmitted. Attached as Exhibit B is the fax confirmation sheet that I received when I faxed the letter attached as Exhibit A. It indicates that the letter was successfully transmitted to 800-377-4286.

3. In response to sending the letter attached as Exhibit A, our office received two voice mail messages left for Laurence V. Cronin on April 3 and April 4, 2006. Attached as Exhibits C and D are transcripts of those voice mail messages that I typed. These are accurate transcripts of the messages that were left on our voice mail system. Our firm retains audio copies of those messages.

  
VICTORIA K. MILLER

SWORN AND SUBSCRIBED on this 30<sup>th</sup> day of June, 2006 before me, the undersigned, a Notary Public for the State and County aforesaid.

  
Notary Public

Commission Expires: \_\_\_\_\_

KATHARINE MARY DENNEY  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires Jan. 18, 2008

